

MISC. ORDER 2006-006

Effective October 2, 2006, the following order relates to the implementation of the Mediation Program adopted by the Court of Appeal, Third Appellate District. (See Ct. App. Third Dist., Local Rules of Ct., rule 1, Mediation in Civil Appeals (*adopted eff. October 2, 2006*).)

By the Court:

Upon filing of any civil notice of appeal, the provisions of rules 4, 5, 5.1, and 5.2 of the California Rules of Court requiring designation of the record and payment of estimated costs for preparation of the record are suspended, pending this court's decision to select or not select the civil appeal for mediation. If a civil appeal is selected for mediation, then the suspension of rules 4, 5, 5.1, and 5.2 remains in effect until completion of mediation. If a civil appeal is not selected for mediation, the coordinator of the Mediation Program must concurrently notify the parties, the superior court, and this court, in writing, that suspension of rules 4, 5, 5.1, and 5.2 is terminated. The parties' obligation to comply with the requirements of rules 4, 5, 5.1, and 5.2 commences as if notice of appeal was filed on the date specified in the notification.

If the parties stipulate to placement of a civil appeal in the Mediation Program, then upon the superior court's timely receipt of its copy of that stipulation, the provisions of rules 4, 5, 5.1, and 5.2 requiring designation of the record and payment of the estimated costs of preparation of the record are suspended. If this court accepts the stipulation and refers the case for mediation, suspension of rules 4, 5, 5.1, and 5.2 remains in effect until completion of mediation. If the case is not referred to mediation, the coordinator of the Mediation Program must concurrently notify the parties, the superior court, and this court, in writing, that suspension of rules 4, 5, 5.1, and 5.2 is terminated. The parties' obligation to comply with the requirements of rules 4, 5, 5.1, and 5.2 commences as if notice of appeal was filed on the date specified in the notification.

If completion of mediation does not result in disposition of the appeal, the coordinator of the Mediation Program must, within 10 days after notice of completion of the mediation, notify the parties, the superior court, and this court, in writing, that suspension of rules 4, 5, 5.1, and 5.2 is terminated. The parties' obligation to comply with the requirements of rules 4, 5, 5.1, and 5.2 commences as if notice of appeal was filed on the date specified in the notification.

Nothing in this order prohibits the superior court from collecting the deposit required by section 68926.1 of the Government Code and by rule 1(b)(2) of the California Rules of Court.

Date: May 19, 2006

SCOTLAND, P.J.